



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street . Rockville, Maryland 20850

Subject: Buildings – Energy Efficiency and Environmental Design	Number:
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

WORKING DRAFT FOR DISCUSSION



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Montgomery County Regulation on:

BUILDINGS – ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No.

Authority: Code Sections 8-26, 8-49, and 8-51

Supersedes: Executive Regulation 19-07AM

Council Review: Method 2

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Comment deadline:

Effective date:

Sunset date: None

SUMMARY: This regulation implements the Montgomery County Green Buildings Law codified in Chapter 8 (Buildings), Article VII Energy Efficiency and Environmental Design of the County Code. This regulation adopts the 2012 International Green Construction Code (IGCC) with amendments.

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BACKGROUND INFORMATION: The Department of Permitting Services enforces Chapter 8 (Buildings) of the Montgomery County Code. This regulation implements the Montgomery County Green Buildings Law, which is codified in Article VII (Energy Efficiency and Environmental Design) of Chapter 8.

COMCOR 08.26.01 Buildings – Energy Efficiency and Environmental Design

08.26.01.01 PURPOSE

This regulation implements the Montgomery County Green Buildings Law by specifying the:

- a) Adoption of the 2012 International Green Construction Code (IGCC);
- b) process to verify that a covered building complies with the applicable standard, including types of persons who are qualified to verify compliance;
- c) standards and procedures under which the Director may approve waivers or modifications of Section 8-49 of the County Code when compliance would be impracticable or unduly burdensome and the public interest would be served by the waiver or modification; and
- d) standards and procedures for any enforcement mechanism that the Department finds necessary to accomplish the purposes of the Montgomery County Green Buildings Law.

08.26.01.02 APPLICABILITY

This regulation applies to any newly constructed or addition to an existing non-residential or multi-family residential building, including R-2 and R-4 residential buildings that is (are) over 4 stories above grade plane.

08.26.01.03 DEFINITIONS

For the purposes of this regulation, the following words and phrases have the meanings indicated. Words and phrases defined and used in Chapter 8 of the County Code have the meanings indicated in that Chapter.



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Addition means an extension or increase in gross floor area or story in height of the building or structure. For the purpose of application of this code (IGCC,) new addition to the building, including new system or element shall comply with this code.

County certification process means the process administered by the Department to verify that a covered building complies with the required standard.

Covered building means a **newly constructed** or addition to an existing **non-residential** or **multi-family residential building** that is over 4 stories.

Department means the Department of Permitting Services.

Director means the Director of the Department of Permitting Services.

Green Buildings Law means the Montgomery County Green Buildings Law codified in Chapter 8 (Buildings), Article VII (Energy Efficiency and Environmental Design) of the County Code.

LEED refers to the series of Leadership in Energy and Environmental Design (LEED) rating systems developed by the **USGBC (US Green Building Council)**.

Multi-family residential building means any multi-family residential or mixed-use building that is taller than 4 stories. **Multi-family residential building** does not include a residential care or assisted living building which can house no more than 16 occupants.

Newly constructed refers to a new stand-alone building or an addition to an existing building.



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Non-residential building means a building not used as a dwelling.

Non-residential building does not include any:

- (1) day care center for 5 or fewer persons;
- (2) accessory building or structure;
- (3) agricultural building, stable, barn, or greenhouse;
- (4) parking garage that is not heated or cooled; or
- (5) other building characterized as a miscellaneous building in the edition of the ICC International Building Code designated under Section 8-13.

Project plan means a project plan approved by the Planning Board under Chapter 59 of the County Code.

Preliminary plan means a preliminary plan of subdivision approved by the Planning Board under Chapter 59 of the County Code.

Registered design professional means an architect, landscape architect, or engineer who is licensed by the State of Maryland.

Required standard means the energy efficiency and environmental design standard that applies to a covered building under Section 8-49 of the County Code.

Regulatory approval means an approved project plan, preliminary plan, site plan, or special exception.

Site plan means a site plan approved by the Planning Board under Chapter 59 of the County Code.



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Special exception means a special exception approved by the Board of Appeals under Chapter 59 of the County Code.

Temporary Use and Occupancy Certificate means a certificate issued by the Department at the request of a building permit holder before the entire work covered by the building permit is completed which authorizes use and occupancy of the building for a specified period.

USGBC means the US Green Building Council, an organization that has developed and published the **LEED rating system** to measure the energy efficiency and environmental performance of a building.

08.26.01.04 POLICY

In May, 2011, the State of Maryland signed into the law adopting the International Green Construction Code for inclusion in the state Model Performance Codes effective March 2012. The Department of Permitting Services supports and recommends adoption of the IGCC as establishing a high performance baseline for energy conservation and sustainable building practices.

08.26.01.05 PROCEDURES

The IGCC is part of the ICC building codes family and as such is subject to same regulations affecting building permit issuance, approval and inspections procedures and policies codified in Chapter 8 of the Montgomery County Code.

08.26.01.06 MODIFICATIONS

Requests for Modification to the requirements of the Green Buildings Law or this regulation will be addressed via the Department's Building Code Modification process administered under COMCOR 08.15 of the County Code. Modifications may include requests for waivers when compliance is impractical or unduly burdensome and the public interest would be served by a waiver or modification.



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08.26.01.07 IGCC AMENDMENTS

08.26.01.07.01

Amend IGCC, Subsection 101.1 insert Phrase “ Montgomery County Maryland ” in the parentheses after the phrase “Green Construction code of”

Amend IGCC, Subsection 101.3 delete, and replace with subsection “101.3 Scope. The provisions of this code shall apply to new construction as it relates to design and construction of buildings and additions, building sites, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures and to the site on which the building is located. Occupancy classifications shall be determined in accordance with the International Building Code (IBC).”

Amend IGCC, Subsection 101.3, in the exception (4), Delete and replace with: “When compliance is sought using ASHRAE 189.1, ASHRAE 189.1 shall not apply to buildings identified in Exceptions 1 through 3.”

Amend IGCC, Subsection 101.3.1, item1 delete “and R-4” after the phrase “Group R-2”

Amend IGCC, Subsection 101.4 add a new sentence after the phrase “unless specifically adopted.”
“Appendix A shall apply as amended by subsection A102.2.”

Amend IGCC, Subsection 102.4, delete phrases “International Code Council Performance Code (ICCPC)”, “International Fire Code(IFC)”, the International Plumbing Code (IPC)”, International Property Maintenance Code (IPMC)” and replace phrase “International Fire Code(IFC)” with “Montgomery County Fire Code”

Amend IGCC, Subsection 102.6, delete phrases “International Property Maintenance Code or International Fire Code(IFC)”and replace phrase “International Fire Code(IFC)” with “Montgomery County Fire Code”

08.26.01.07.02

Amend IGCC, Section 202 add a phrase to the definition of the approved agency “code official or authority having jurisdiction” after phrase “ such agency has been approved”

Amend IGCC, Section 202 add last sentence to the definition of addition “The new addition to the building, including new system/element shall comply with this code.”



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08.26.01.07.03

Amend IGCC, Subsection 301.1.1 after the word “meet” delete phrase “either the requirements of ASHRAE 189.1 or”.

Amend IGCC, Subsection 301.2 add new phrase “, including Appendix A” after word “applicable” in the last sentence.

Amend IGCC, Subsection 302.1 delete item 1 and 2, and renumber item 3 as 1.

Amend IGCC, Subsection 302.1.1 delete

Amend IGCC, Table 302.1 delete, and replace with

TABLE 302.1
REQUIREMENTS DETERMINED BY THE JURISDICTION

Section	Section Title or Description and Directives	Jurisdictional Requirements	
Chapter 1. Scope			
101.3 Exception 1.0	Detached one- and two-family dwellings and multiple single-family dwellings (town-houses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
101.3 Exception 1.2	Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
101.3 Exception 1.3	Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Chapter 4. SITE DEVELOPMENT AND LAND USE			
402.2.1	Flood hazard area preservation, general	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.2.2	Flood hazard area preservation, specific	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.3	Surface water protection	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.5	Conservation area	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.7	Agricultural land	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.8	Greenfield sites	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
407.4.1	High-occupancy vehicle parking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



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407.4.2	Low-emission, hybrid and electric vehicle parking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
409.1	Light pollution control	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Chapter 5. MATERIAL RESOURCES CONSERVATION AND EFFICIENCY		
503.1	Minimum percentage of waste material diverted from landfills	<input checked="" type="checkbox"/> 50%	
	Chapter 6. ENERGY CONSERVATION, EFFICIENCY AND CO ₂ e EMISSION REDUCTION		
301.1, 602.1	Of Jurisdictional Choice- The jurisdiction shall indicate a zEPI of 51 or less in each occupancy for which it intends to require enhanced energy performance.	Occupancy: ALL zEPI: 51	
604.1	Automated demand response infrastructure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Chapter 7. WATER RESOURCES CONSERVATION, QUALITY AND COMFORT		
702.7	Municipal reclaimed water	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Chapter 8. INDOOR ENVIRONMENTAL QUALITY AND COMFORT		
804.2	Post- Construction Pre-Occupancy Baseline IAQ Testing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
807.1	Sounds transmission and sound levels	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Chapter 10. EXISTING BUILDINGS: <i>STRIKE IN ITS ENTIRETY EXCEPT: SECTION 1006-DEMOLITION</i>		
1007.2	Evaluation of existing buildings	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
1007.3	Post Certificate of Occupancy zEPI, energy demand, and CO ₂ e emissions reporting	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Appendix A		
A101	Minimum two projects electives shall be selected	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Amend IGCC, Section 303 delete, and add Section 303 to Appendix A.

08.26.01.07.04

Amend IGCC, Subsection 401.2 delete, and add Subsection 401.2 to Appendix A.

08.26.01.07.05

Amend IGCC, Sections 402 and 403, delete, and add Subsection 402 and 403 to Appendix A.

08.26.01.07.06

Amend IGCC, Sections 404 delete, and add Section 404 to Appendix A.

Amend IGCC, Appendix A, subsections 404.1.1 delete phrase “municipal reclaimed water or with”



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08.26.01.07.07

Amend IGCC, Sections 405 and 407 delete, and add Sections 405 and 407 to Appendix A.

08.26.01.07.08

Amend IGCC, Section 408.2 to replace the phrase “50 percent” with “40 percent”.

Amend IGCC, Subsection 408.3 delete.

08.26.01.07.9

Amend IGCC, Subsections 409.1, 409.2 and 409.3 delete, and replace with new Subsection 409.1 Site Lighting shall comply with 2012 International Energy Conservation Code and Chapter 59, Montgomery County Code.

08.26.01.07.10

Amend IGCC, Section 503.1(4) add phrase “prior to issuance of use and occupancy certificate” after word “provided”.

Amend IGCC, Section 504 delete.

Amend IGCC, Sections 505 and 506 delete, add Sections 505 and 506 to Appendix A.

08.26.01.07.11

Amend IGCC, Section 601.4 delete last sentence

Amend IGCC, Subsection 601.5 delete

Amend IGCC, Subsection 602.1, replace “Section 602.3” with “Section 602.2”

Amend IGCC, Section 604 delete, add Section 604 to Appendix A.

Amend IGCC, Subsection 606.5 to delete phrase “Except as noted herein”

Amend IGCC, Subsection 606.5.1 to delete



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Amend IGCC, Subsection 606.6, add Subsection number 606.6.1 before phrase “ Static Pressure sensors” and add Subsection number 606.6.2 before the phrase “For Systems with direct digital control”

Amend IGCC, Subsection 607.1 delete phrase “and the provisions of this section”, and Subsections 607.2, 607.3, 607.4, 607.5, 607.7 delete.

Amend IGCC, Subsection 608.3(3) exception (2), delete phrase “ or the International Fire Code” replace with phrase with “Montgomery County Fire Code”

Amend IGCC, Subsection 608.5 delete and add Subsection 608.5 to Appendix A.

Amend IGCC, Subsection 608.6 delete.

Amend IGCC, Subsection 608.12 delete and add Subsection 608.12 to Appendix.

Amend IGCC, Section 609 delete.

Amend IGCC, Section 610 delete, add Section 610 to Appendix A.

08.26.01.07.12

Amend IGCC, Chapter 7 delete

08.26.01.07.13

Amend IGCC, Subsection 803.3 delete

Amend IGCC, Subsections 803.4.1(1) add new phrase “a smoke partition in a fully sprinklered building or” before the phrase “1-hour fire-resistance rated construction assemblies”.

Amend IGCC, Sections 804 and 806 delete

Amend IGCC, Sections 807 and 808 delete, add Sections 807 and 808 to Appendix A.

08.26.01.07.14

Amend IGCC, Table 903.1 add a foot note “Per approved Commissioning Plan”



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Amend IGCC, Table 903.1, Chapter 4, reference subsections 401.2, 404.1, 405.1.1, 405.1.1, 405.1.3, 405.1.4, 403.1, 405.1.1, 408.2, 408.3.2 and 409 delete, unless selected as an elective in Appendix A.

Amend IGCC, Table 903.1, Chapter 6, reference subsection 608.6 delete

Amend IGCC, Table 903.1, Chapter 7, reference subsections 702.6, 702.8, 703.7.7, 705.1.1, 707.15.1, 708.13.8, and 708.14.2 delete, unless selected as an elective in Appendix A.

08.26.01.07.15

Amend IGCC, all Sections delete, except Section 1006

Amend IGCC, Chapter 11 delete

08.26.01.07.16

Amend IGCC, Appendix A, Project Electives, delete phrase “the adopting Ordinance” from the first sentence, and replace with “this code”.

Amend IGCC, Appendix A, Subsection A102.1, add a second sentence “Code official shall require minimum of two project electives, and project electives shall be selected by the owner.”

Amend IGCC, Appendix A, Subsection A102.2 delete

Amend IGCC, Appendix A, add a new Section A110, “This section includes Sections and Subsections 303, 404, 405, 407, 505, 506, 604, 608.5, 608.12, 610, 807, 808 relocated from Chapter 3 through Chapter 8.”

Amend IGCC, Appendix B, Appendix C and Appendix D delete



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08.26.01.08 SEVERABILITY

The provisions of this regulation are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

EFFECTIVE DATE: This regulation becomes effective _____.

Isiah Leggett, County Executive

Date



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